

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 14, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, September 14, 2010.

Mayor Warmington opened the meeting with a prayer from Pastor Marcy Miller from Samuel Lutheran Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Lawrence Spataro, Sue Wierengo, Steve Wisneski, Chris Carter, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2010-79 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the City Commission Meeting that was held on Tuesday, August 24, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Repairs to Annex. FINANCE

SUMMARY OF REQUEST: A large section of masonry on the south wall of the Arena Annex building (facing Amazon Building) is unstable due to winter water damage. We have received the following bids for repairs to the parapet/roof that will correct this problem:

Clifford Buck	Muskegon Constr.	Tridonn	Muskegon Quality
Muskegon	Muskegon	Muskegon	Muskegon Hts.
\$56,324	\$76,525	\$68,897	\$71,500

FINANCIAL IMPACT: The cost of repairs will use up most of the \$70,000 balance in the Arena Maintenance fund. The fund will be replenished over time with revenue generated from event ticket sales.

BUDGET ACTION REQUIRED: The cost of this project will be factored into the quarterly budget reforecast.

STAFF RECOMMENDATION: Staff has considered various options (including demolition) and believes proceeding with the repairs is the best option. The arena manager also believes the Annex building is crucial to their future plans. Accordingly, staff recommends the project repairs be undertaken and that the low bidder (Clifford Buck) be awarded the contract.

C. First Quarter 2010-11 Budget Reforecast. FINANCE

SUMMARY OF REQUEST: At this time staff is transmitting the ***First Quarter 2010-11 Budget Reforecast*** which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors.

FINANCIAL IMPACT: This is the first budget reforecast since the City changed fiscal years. The FY change has resulted in a higher than expected fund balance for the start of the new fiscal year. Proposed changes to the 2010-11 budget are relatively minor and mostly involve adjustments to capital projects.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: To approve the First Quarter 2010-11 Budget Reforecast and proposed use of Fund Balance as discussed at last night's meeting.

D. Elevated and Underground Water Storage Tank Inspections. WATER FILTRATION

SUMMARY OF REQUEST: To authorize staff to enter into an agreement with engineering/inspection firms for inspection of three elevated and two underground water storage tanks.

FINANCIAL IMPACT: \$18,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission authorize staff to enter into agreement with Dixon Engineering for inspection of the elevated water storage tanks at a cost of \$6,000 and Williams & Works for inspection of the underground water storage tanks at a cost of \$12,000.

E. Approval of the Neighborhood Stabilization Program (NSP) Subrecipient Agreement with Habitat for Humanity for NSP Houses. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services

office to sign the 2009 Neighborhood Stabilization Program Subrecipient Agreement with Muskegon County Habitat for Humanity, using Neighborhood Stabilization Program (NSP) funds to build two new homes at 461 Marquette and 510 White, for a maximum of \$40,000 for each home. 531 Orchard may also be included, not to exceed \$120,000 for the three properties.

MSHDA is requiring this Subrecipient Agreement to cover NSP regulations pursuant to the City's NSP grant to include Habitat as a subrecipient.

FINANCIAL IMPACT: These projects will be using NSP funds and we will meet our goal of using 25% of our funds to sell to at or below 50% AMI families. Nothing will come out of the General Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for Community and Neighborhood Services to sign the 2009 Neighborhood Stabilization Program Subrecipient Agreement with Muskegon County Habitat for Humanity.

COMMITTEE RECOMMENDATION: The City Commission has already approved the Sponsorship Agreement with Habitat at the July 13, 2010, Commission meeting.

F. Rescind Bid for Complete Rehab at 1080 E. Laketon and Award to Another Contractor. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To rescind the bid to Murphy and Son Construction LLC for the complete rehabilitation of 1080 E. Laketon in the amount of \$34,350 and award the bid to Statewide Abatement, 1720 N. Creston, Muskegon, 49445 in the amount of \$46,875.

On July 27, 2010, the City Commission approved the bid for the complete rehabilitation of 1080 E. Laketon to Murphy and Son Construction LLC. The contractor is unable to produce the necessary Worker's Compensation insurance as required.

The second lowest bidder currently has several projects; therefore, staff recommends that we accept the third lowest bidder, Statewide Abatement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To rescind the bid from Murphy and Son Construction LLC and award the bid to Statewide Abatement.

G. City – MDOT Agreement for ADA Ramp Upgrades along Apple Avenue, Seaway Drive and Shoreline Drive at Various Locations Within the City Limits. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT to upgrade sidewalk ramps to ADA compliance along Apple Avenue, Seaway Drive and

Shoreline Drive within the City limits; and to approve the resolution authorizing the Mayor and City Clerk to sign the contracts.

FINANCIAL IMPACT: The City's required participation on this MDOT project is estimated at \$7,400.

BUDGET ACTION REQUIRED: If approved, this project needs to be incorporated into the 1st quarterly reforecast update of the 2010/2011 CIP budget.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

H. City – MDOT Agreement for the Milling and Resurfacing of Port City Blvd. from Latimer to Laketon Avenue. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the milling and resurfacing of Port City Blvd. between Latimer and Laketon Avenue using left over stimulus funds, and to adopt the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: The projected cost of the proposed project is \$165,000 of which MDOT's participation is limited to the federal funds of \$102,632.

BUDGET ACTION REQUIRED: Authorize staff to add to the 2010/2011 CIP via the 1st quarterly reforecast update.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

J. Accept Resignation and Make Appointments to Various Boards. CITY CLERK

SUMMARY OF REQUEST: To accept the resignation from Nick Kroes from the Housing Code Board of Appeals. Remove William Krick from the Historic District Commission and appoint him to the Housing Code Board of Appeals. Appoint Steven Radtke to the Historic District Commission and Stephanie Marion to the CDBG/Citizen's District Council.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the changes at their September 13th meeting.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the Consent Agenda as presented minus item I.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

2010-80 ITEM REMOVED FROM THE CONSENT AGENDA:

I. American's with Disabilities Act (ADA) Project Civic Access Settlement Agreement with the Department of Justice. AFFIRMATIVE ACTION

SUMMARY OF REQUEST: Permission to enter into a long-term agreement with the Department of Justice that will promote inclusion and bring the City into compliance with the ADA.

FINANCIAL IMPACT: Unknown.

BUDGET ACTION REQUIRED: Adjustments will be required for 2010/2011.

STAFF RECOMMENDATION: To approve and authorize the Mayor and Clerk to sign the agreement.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the American's with Disabilities Act Project Civic Access Settlement Agreement with the Department of Justice.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

2010-81 NEW BUSINESS:

A. Special Event – Peace Jam. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The West Michigan Community Help Network, along with several community partners, including the City of Muskegon, is hosting the Peace Jam on September 25, 2010, at Marsh Field. The event will involve a concert series and a rally with guest speakers and performances. The Peace Jam is an effort to bring citizens and groups together to work towards reducing violence in the community. The City is being asked to provide tables, trash cans and the stage, at no cost, as our contribution towards the event (rather than a cash contribution).

FINANCIAL IMPACT: If approved, no fee will be received for the City services requested (tables, trash cans, stage).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the special event request for a Peace Jam.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: Spataro and Warmington

MOTION PASSES

B. Towing Contract. PUBLIC SAFETY

SUMMARY OF REQUEST: Proposals have been accepted for the towing contract with the City. This contract will go into effect on September 25, 2010. Proposals were submitted by the following companies:

1. All Pro Towing and Recovery, 1708 S. Getty, Muskegon, 49442
2. Baxter's Towing and Storage, 5333 Airline, Muskegon, 49444
3. Central Towing, 710 Pulaski, Muskegon, 49441
4. Reliable Towing, 1288 Ninth Street, Muskegon, 49440
5. Campbell Towing, 796 E. Apple Avenue, Muskegon, 49442
6. ASAP Towing, 710 Pulaski, Muskegon, 49441
7. Hansen Towing, 1878 Sternberg Road, Muskegon, 49444
8. Ramos Towing, 2444 Getty, Muskegon, 49444

Based on the proposals that were submitted, it is recommended that the Commission approve a contract with Ramos Towing.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the contract with Ramos Towing.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, and Wierengo

Nays: Warmington

MOTION PASSES

C. Great Lakes and St. Lawrence Cities Initiative. MAYOR

SUMMARY OF REQUEST: To authorize the payment of membership dues to the Great Lakes and St. Lawrence Cities Initiative. It is important that our City is involved in protecting and restoring the Great Lakes, especially as they face an onslaught of attacks on their well-being.

FINANCIAL IMPACT: \$3,000.

BUDGET ACTION REQUIRED: A budget adjustment will be required to accommodate this expense.

STAFF RECOMMENDATION: To approve the request and authorize the budget adjustment.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the request and authorize the budget adjustment regarding the Great Lakes and St. Lawrence Cities Initiative.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Shepherd commended our Firefighters on their professionalism during the fire at 380 Houston. She would like to recognize and honor Engine #23 Captain Gordon Cole, firefighter Chad Horn, and David Robb; Engine #24 Lt. Art Backstrom, Firefighter Peter Hughes; Engine #25 Lt. Jim Diffell, Firefighter Todd Rake; Rescue Firefighter Ruthanne Simila; Command 91 Battalion Chief Ron Linstrom.

Commissioner Wierengo commented on the park rest rooms being locked.

PUBLIC PARTICIPATION: Public comments received.

2010-82 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Carter, second by Commissioner Spataro to go into Closed Session.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to come out of Closed Session and accept the recommendation of council in the matter of Griffin vs. City of Muskegon.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:10 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk